

**Work Plan**

**For the**

**Performance Partnership Grant (PPG)**

**Base Program**

**Components and Key Commitments**

**For**

**April 1, 2015 - March 31, 2016**

NYSDEC: Joseph DiMura, PPG Coordinator, DOW, 625 Broadway, Albany, NY 12233-3500  
USEPA: Martha Isaac, PPG Coordinator, 25<sup>th</sup> Floor, 290 Broadway, New York, NY 10007-1866

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### **Reporting on Progress**

The PPG tasks define the Components and commitments which the New York State Department of Environmental Conservation (DEC) will endeavor to achieve during the State fiscal year which begins April 1, 2015 and ends on March 31, 2016. DEC maintains data for the various data bases EPA uses to collect information from the states on the progress of their programs. DEC will provide the EPA with a semi-annual PPG Status Report for each Component and commitment herein contained by October 31, 2015 and April 30, 2016.

The PPG Status Report will specify two different reporting mechanisms. For each Component and commitment where EPA has an established data base to collect information, DEC will refer to that data base. That data base will be the mechanism to report progress on those Components and commitments. Where EPA does not have a corresponding data base to collect information, DEC will provide a narrative report on progress. In addition, several of the elements will be reported through the existing SNAP process.

DEC will advise the EPA whether or not the commitment has been met, is on schedule to be met or is not expected to be met. In the latter case, the DEC will explain the reason for not achieving the commitment and when it is likely to be met. The EPA will review the PPG Status Report and advise the DEC of its concerns by November 30, 2015 and May 31, 2016. The DEC will attend any meeting requested by the EPA which is needed to clarify and/or resolve any issues and concerns.

## **Abbreviations and Acronyms**

1. ACJ - Amended Consent Judgment
2. AOC - Area of Concern
3. ACWA - Association of Clean Water Administrators
4. BMP - Best Management Practice
5. BUI – Beneficial Use Impairment
6. CAFO - Concentrated Animal Feeding Operation
7. CAS - Compliance Assurance Strategy
8. CBP - Chesapeake Bay Program
9. CERG - Compliance Enforcement Response Guide
10. CMOM - Capacity Management Operation & Maintenance
11. CPM - Core Performance Measures
12. CROMERR - Cross-Media Electronic Reporting Regulation
13. CSO - Combined Sewer Overflow
14. DEC - Department of Environmental Conservation
15. DMR - Discharge Monitoring Report
16. DOS - Department of State
17. DOT - Department of Transportation
18. EFC Environmental Facilities Corporation
19. EOH - East of Hudson
20. EPA - Environmental Protection Agency
21. EBPS - Environmental Benefit Permit Strategy
22. GROG - Grants Reporting and Oversight Group
23. GLNPO - Great Lakes National Program Office
24. GLI - Great Lakes Initiative
25. GLWQA – Great Lakes Water Quality Agreement
26. GP 04-02 - General Permit for Concentrated Animal Feeding Operations
27. GRTS - Grants Reporting and Tracking System
28. HEP - Harbor Estuary Program
29. HVHF - High Volume Hydraulic Fracturing
30. ICIS - Integrated Compliance Information System
31. IJC – International Joint Commission
32. LEMC – Lake Erie Management Committee
33. LEWG – Lake Erie Work Group
34. LISS – Long Island Sound Strategy
35. LO LaMP - Lake Ontario Lakewide Management Plan

## Abbreviations and Acronyms (continued)

36. LaMP - Lakewide Management Plan
37. LOMC - Lake Ontario Management Committee
38. LOWG - Lake Ontario Work Group
39. LTCP - Long-term Control Plans
40. MCM - Minimum Control Measures
41. MOA - Memorandum of Agreement
42. MOU - Memorandum of Understanding
43. MS4 - Municipal Separate Storm Sewer System
44. NDZ - No Discharge Zone
45. NEIWPCC - New England Interstate Water Pollution Control Commission
46. NMCs - Nine Minimum Controls
47. NOAA - National Oceanic and Atmospheric Administration
48. NOI – Notice of Intent
49. NPDES - National Pollutant Discharge Elimination System
50. NPS - Non-point Source
51. NYCDEP - New York City Department of Environmental Protection
52. NRTMP - Niagara River Toxics Management Plan
53. QAPP - Quality Assurance Program Plan
54. OLP - Onondaga Lake Partnership
55. ORFs - Overflow Retention Facilities
56. PCS - Permit Compliance System
57. PPG - Performance Partnership Grant
58. PP – Priority Permits
59. QSA – Quality Systems Assessment
60. RAP - Remedial Action Plan
61. RCRA - Resource Conservation and Recovery Act
62. RIBS - Rotating Intensive Basin Study
63. RIDE – Required ICIS Data Elements
64. SDWA - Safe Drinking Water Act
65. SNAP - Significant Non-Compliance Action Program
66. SOLEC – State of the Lakes Ecosystem Conference
67. SPDES - State Pollutant Discharge Elimination System

## **Abbreviations and Acronyms (continued)**

- 68. SSO - Sanitary Sewer Overflow
- 69. SWPPP - Storm Water Pollution Prevention Plans
- 70. TAC - Technical Advisory Commission
- 71. TMDL - Total Maximum Daily Load
- 72. TOGS - Technical and Operational Guidance Series
- 73. USGS - United State Geological Survey
- 74. WENDB - Water Enforcement National Data Base
- 75. WET - Whole Effluent Toxicity Testing
- 76. WIP – Watershed Implementation Plan
- 77. WQ - Water Quality

**Strategic Goals & Objectives**  
(FY 2011-2015 EPA Strategic Plan)

**Essential Element 1**  
Goal 2: Protecting America's Waters

**Essential Element 2**  
Objective 2.2: Protect and Restore Watersheds and Aquatic Ecosystems

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
<b>a. Core Program Activities</b> (Joe DiMura)(Doug McKenna/Justine Modigliani):	<p>As resources allow, DEC will implement core program activities related to point source surveillance and compliance. Priority will be given to timely response to Significant Non-Compliance for EPA majors and compliance assurance for wet weather SPDES sources (CSO, SSO, CAFO and storm water). Compliance assurance will be achieved through DEC compliance monitoring strategies, compliance assurance and enforcement including coordination with the Chesapeake Bay program that is consistent with DEC guidance and the EPA/DEC enforcement agreements.</p> <p>Continue to implement the EPA/DEC Inspection Workplan (compliance monitoring inspection activity) on an annual basis.</p>	Progress will be discussed at the quarterly SNAP meetings and reported in the quarterly SNAP minutes.	

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
<b>b. Permit Backlog and Priority Permits</b> (Koon Tang)(Kate Anderson)	DEC will provide EPA with a list of NPDES permits that have not received a full technical review in the last five years and ensure that this information is publically transparent. This data must also be updated and reported at the federal FY mid-year and end of year. DEC will manage the permit backlog by focusing on permits with the most significant environmental benefit using the EPBS Priority ranking system. In addition, DEC will draft and finalize a plan to eliminate the "Administrative Renewals of SPDES Permits" process described in TOGS 1.2.2 - Administrative Procedures and the Environmental Benefit Permit Strategy for Individual SPDES Permits. DEC will also develop and submit to EPA a 5-year plan to implement CWA NPDES permit efficiencies and practices in accordance with CWA requirements (e.g., general permits) to reduce the permit backlog by September 30, 2015. EPA Region 2 will work with EPA HQ to provide DEC flexibility for setting a realistic priority permits metric during this 5 year period.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16	WQ12 – Percent of non-tribal facilities covered by NPDES permits that are considered current: (Target: 90%)
<b>c. Significant Non-Compliance</b>	DEC will continue to participate in	Progress will be discussed at the	.



Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
<b>Action Plan (SNAP)</b> (Ed Hampston) (Doug McKenna)	the SNAP process and take timely and appropriate action for instances of significant non-compliance by EPA majors.	quarterly SNAP meetings and reported in the quarterly SNAP minutes.	
<b>d. ICIS Maintenance</b> (Bob Wither)(Lynn Capuano)	DEC will maintain 100% of required ICIS-NPDES Data elements (RIDE) in ICIS-NPDES where DEC has program primacy. EPA will maintain 100% of required RIDE in ICIS-NPDES for program where EPA has program primacy. EPA will enter their inspections and enforcement actions into ICIS.	Progress reported thru RIDE.	
<b>e. ICIS Implementation</b> (Bob Wither) (Lynn Capuano)	DEC will continue to participate in implementing EPA's ICIS-NPDES system. DEC will continue to work towards implementing NetDMR.	Progress reported in quarterly progress reports in addition to semi-annual GROG reports.	
<b>f. Pretreatment Program</b> (Ed Hampston) (Doug McKenna)	DEC will address effluent violations caused by indirect industrial discharges and will report through the SNAP program.  EPA will continue to directly implement the pretreatment program.	Progress will be discussed at the quarterly SNAP meeting and reported in the quarterly SNAP minutes.	
<b>g. Enforcement Action Plan–Public Access to Compliance Information</b> (Ed Hampston) (Doug McKenna):	DEC will annually publish a comprehensive SPDES compliance report. The report summarizes state-wide permit, inspection and enforcement statistics for all SPDES permit categories. The	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16  DEC will publish the annual	

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
	report will be posted on the DEC public website.	compliance report for SFY 2014/15 on the DEC Public website by September 30, 2015.	
<b>h. Individual Permitting</b> (Shayne Mitchell) (Sieglinde Pylypchuk)	<p>(i) DEC will meet semi-annually with EPA to review the status of all permitting commitments.</p> <p>(ii) DEC will finalize and issue EPA's priority permits (PP).</p> <p>(iii) DEC will issue EBPS permits in accordance with Department guidance.</p> <p>(iv) DEC will draft 3% of the high priority EBPS Permits within the fiscal year. DEC plans to issue each final permit within 90 days from the end of the comment period unless the draft permit is subject to adjudication, extensive technical issues, extensive EPA comments or extensive public concern. DEC will make every effort to finalize that permit as soon as possible.</p> <p>(v) Permits will include Whole Effluent Toxicity (WET) limits where a Reasonable Potential (RP) analyses has demonstrated them as appropriate (acute or chronic including sublethal endpoints).</p>	<p>Progress through 9/30/15 reported on 10/31/15 and progress through 3/31/16 and reported on 4/30/16</p> <p>(i)Semi-annual meetings.</p> <p>(ii) DEC will issue 17 final priority permits by 9/30/15.</p> <p>DEC will report on the new EPA FY 2016 PP universe by 8/31/15 and commit to a new target by 9/30/15.</p> <p>(iii) DEC will produce an annual list of EBPS Department initiated permits that have been issued in the previous year. This list should indicate which permits have received a full technical review at renewal.</p> <p>(iv) DEC will report annually on the status of EBPS implementation on 4/30/15.</p>	<p>(i) WQ-11 (number, and percent of follow-up actions that are completed by assessed NPDES programs): <u>indicator</u></p> <p>(ii)WQ-19a (Number of high priority state NPDES permits that are issued as scheduled): NY target = 17</p> <p>WQ 12a - Percent of non-Tribal facilities covered by NPDES permits that are considered current. (Target: 90%)</p>

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
	<p>DEC will perform RP analyses for permits consistent with Federal regulations at 40 CFR 122.44(d)(1)(i) and DEC's finalized WET TOGS.</p> <p>(vi) DEC will maintain a No Administrative Renewal List (NARL) for <u>applicable</u> permits.</p>	<p>(v) DEC will use the template language provided by EPA, and agreed upon by DEC via email on 11/19/14, to satisfy this requirement.</p> <p>(vi) The NARL will be submitted to EPA on a semi-annual basis.</p>	
<b>i. Disinfection Policy – TOGS</b> (Shayne Mitchell) (Sieglinde Pylypchuk)	<p>DEC will continue efforts for updating the disinfection policy through updating Division of Water Technical and Operational Guidance Series (TOGS). Federal regulations require Enterococcus or E.coli effluent limits for all facilities that discharge directly to the Great Lakes or coastal waters.</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p> <p>DEC will include, at minimum, Enterococcus or E.coli monitoring in permits for all facilities that discharge directly to the Great Lakes or coastal waters.</p>	
<b>j. General Permit Tracking</b> (Carol Lamb-LaFay)(Alyssa Arcaya)	<p>DEC will track and report all facilities and activities that are provided coverage under the general permits issued by DEC.</p>	<p>DEC will continue to enter data into EPA's ICIS. EPA will consult ICIS for CAFO, MS4, and industrial stormwater information. DEC will continue to maintain a separate database for all construction stormwater permits and multi-sector general permits.</p>	<p>WQ-13a, W-13b, and WQ-13c: (number and % of facilities covered under either an individual or general MS-4s or construction permit: <u>indicator</u>.)</p>

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
		This information will be provided to EPA in an annual report. DEC will ensure that the Stormwater program databases will be updated on or slightly before 4/1 and 10/1.	
<b>k. CAFO Compliance Assurance Strategy (CAS)</b> (Joe DiMura) (Doug McKenna)	DEC will continue to implement its CAFO Strategic Plan which includes response to water quality complaints, permitting of unpermitted CAFOs, neutral and targeted inspections with a priority on large CAFOs, appropriate response to non-compliance with the CAFO General SPDES permit, and a "CAFO Compliance Toolbox."	Status of DEC implementation of the CAFO Strategic Plan and individual cases of concern to EPA will be integrated into the SNAP process.	
<b>l. Combined Sewer Overflows (CSO)</b> (Koon Tang) (K.Anderson/ S. Stephanson) (Ed Hampston) (Doug McKenna)	<p>DEC will modify CSO permits when the LTCPs are approved by DEC.</p> <p>DEC will incorporate CSO Phase II permit requirements into SPDES permits when the permits are reissued or modified to incorporate approved LTCPs.</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p> <p>1) DEC will meet with EPA on quarterly intervals supplemented by as needed teleconferences to discuss progress with the implementation of the most recent DEC-EPA R2 CSO Strategy.</p> <p>2) By April 30, 2015 DEC will produce a report tracking the progress of CSO/LTCP implementation. The report will include the status of CSO facilities that have not yet submitted an</p>	SS-1

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
		<p>approvable LTCP, as well as the tracking of post-construction compliance monitoring plan submittal and approval dates, the submission of monitoring reports, and the implementation status of required CSO controls. End construction dates for implementing key CSO controls will be entered into ICIS.</p> <p>3) In addition, DEC progress on addressing non-compliance with the EPA CSO Policy and individual cases of concern to EPA will be integrated into the SNAP process.</p>	
<b>m. MS4 and Construction Stormwater</b> (Carol Lamb-LaFay) (Stephen Venezia) (Maureen Krudner)	<p>(i) DEC will implement the Phase II stormwater regulation for construction activities and MS4s.</p> <p>(ii) DEC will report on the progress of the draft MS4 permit for New York City which was re-noticed for public comment in March 2015.</p> <p>(iii) DEC will keep EPA apprised of the status of the state MS4 general permit renewal in light of the recent court decision/permit challenge. DEC will work with EPA to renew the MS4 general permit before the MS4 interim general permit expires in 2017.</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p>	

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
	(iv) Develop a new chapter for the New York State Stormwater Design Manual that provides requirements for proper inspection, operation and maintenance procedures for green infrastructure practices. (\$50,000 in discretionary monies under 106 funding).	Submit draft chapter by September 30, 2015. Estimate completion by January 1, 2016.	
<b>n. CAFO Permitting</b> (Doug Ashline) (Andrea Coats)	<p>DEC will continue to develop a CWA CAFO General Permit that is in compliance with the 2008 CAFO Rule. DEC will continue to discuss the draft permit language with EPA. DEC will finalize the permit as soon as possible.</p> <p>DEC will continue to include electronic reporting and public access to data (transparency) in the general permit.</p> <p>DEC will target the public notice of the draft permit by 9/30/2015. DEC will continue efforts to revise Part 750 to make state CAFO regulations fully consistent with federal requirements in the 2003 and 2008 CAFO rules. This is part of a larger effort to revise the state's Part 750 regulations for a number of areas that need to be</p>	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.	

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
	addressed.		
<b>o. Sanitary Sewer Overflows (SSO)</b> (J.DiMura/B.Baker) (S. Stephansen /D.McKenna)	DEC will implement its SSO Strategic Plan which includes guidance on permitting and compliance for Types I, II and III SSOs and development of an “SSO Compliance Toolbox.”	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p> <p>Status of DEC implementation of the SSO Strategic plan and individual enforcement cases of concern to EPA will be integrated into the SNAP process. DEC will issue SSO permits in accordance with the EBPS system.</p> <p>DEC will update the SSO Abatement Annual Report to include the list of permittees that have had their permits updated to include requirements of the SSO policy.</p>	
<b>p. Permit Quality Review (PQR) Follow-up</b> (Koon Tang) (Sieglinde Pylypchuk)	EPA conducted a Permit Quality Review (PQR) Audit in 2012. A list of 32 action items was provided to DEC to improve the quality and consistency of SPDES permits issued by DEC.	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p> <p>EPA and DEC will track progress on Tier 1 action items. Discussions of progress on action items will occur during conference calls or face-to-face meetings held quarterly.</p>	WQ-11 (number, and percent of follow-up actions that are completed by assessed NPDES programs)

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
<b>q. Clean Water Act 316(a) Thermal Variance Determinations</b> (Alyssa Arcaya)(K. Tang/S. Mitchell)	SPDES permits and fact sheets should explicitly address and document the basis (including the use of mixing zones) for any Clean Water Act Section 316(a) thermal variance determinations.	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p> <p>DEC permits and fact sheets currently address 316(a) thermal variance determinations, however, EPA will continue to review draft EPA major permits and provide comments on thermal variances when necessary.</p> <p>DEC should also ensure that any permits issued address the concerns of our October 28, 2011 letter regarding permitting of wastewater discharges from Flue Gas Desulfurization Units and Coal Combustion Residual waste handling systems at steam electric power plants or from other similar CCR handling systems.</p>	
<b>r. State Review Framework (SRF) Follow-Up</b> (Joe DiMura) (Ed Hampston)(Douglas McKenna)(Christy Arvizu)	EPA Region 2 conducted the SRF review of DEC's SPDES compliance assurance program and identified a list of deficiencies and areas for improvement. DEC and EPA will agree on a plan and prioritized schedule for DEC to address deficiencies.	DEC will provide EPA with a tabular progress report prior to each SNAP meeting. DEC and EPA will discuss progress at the quarterly SNAP meetings.	



Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
	DEC will submit a progress report by June 1, 2015 updating status of actions to address the findings of the final SRF report. The update will include status of actions to harmonize development of improved compliance assurance practices with EPA's e-reporting rule and DEC's e-business plan.		
<b>s. Mercury Multiple Discharger Variance:</b> (Shayne Mitchell)(Karen O'Brien)	<p>DEC currently implements a mercury multiple discharger variance (MDV), established in TOGS 1.3.10, that expires in September 2015.</p> <p>Development and implementation of a renewed mercury variance is integral to ensuring permits meet Great Lakes Initiative (GLI) requirements going forward.</p>	<p>Progress through 9/30/15 reported on 10/31/15 and progress through 3/31/16 reported on 4/30/16.</p> <p>DEC will continue to work on a renewed MDV which will address regulatory requirements, particularly for Great Lakes dischargers, and address EPA's concerns with the current variance. EPA will work with DEC as needed in developing the approach. EPA should have a preliminary draft of the next MDV by April 17, 2015. DEC will target June 1, 2015 to public notice a draft variance. DEC will provide a pre-public notice draft of the MDV to EPA for comment.</p>	
<b>t. Regulatory Update</b> (Koon Tang)(Jacqueline Ríos):	Review and adopt updates for existing 6NYCRR Part 750 to conform to current applicable 40 CFR Parts 122 - 471 standards	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.</p> <p>i) Propose and adopt updates to</p>	

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
		<p>incorporation by reference citations at 6 NYCRR 750-1.24. DEC will target August 1, 2015 to public notice the draft administrative code. DEC plans to adopt the incorporation by reference at 6 NYCRR Part 750-1.24 by February 28, 2016.</p> <p>ii) Review remaining Part 750 regulation to conform to applicable 40 CFR 122-471 and provide a schedule by September 30, 2015 to incorporate the changes.</p>	
<b>u. Electronic Reporting</b> (Koon Tang/Bob Wither)(Lynn Capuano)	<p>DEC is undertaking an initiative to modernize electronic submission of permit applications and compliance reports for the SPDES program. This effort is consistent with the EPA proposed eReporting Rule to improve compliance data quality and streamline information management.</p> <p>In 2015, DEC plans to begin implementation of electronic DMR data submittal and to develop capability to accept eNOIs over the Internet for some SPDES General Permits.</p>	Progress through 9/30/15 reported on 10/31/15 and progress through 3/31/16 reported on 4/30/16	
<b>v. Wastewater Infrastructure Asset Management</b> (Koon Tang)(Kate Anderson)	DEC is developing a comprehensive strategy to promote wastewater asset management at all the municipal wastewater treatment	Progress through 9/30/15 reported on 10/31/15 and progress through 3/31/16 reported on 4/30/16.	

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>Component #1 of 5 Core N/SPDES Permitting and Compliance Assurance</b>			
	<p>systems. The strategy may include permitting, technical support, training, outreach and funding.</p> <p>Asset management will help avoid water quality violations and significant enforcement when treatment systems are in a state of total disrepair. DEC is developing a policy to define the baseline requirement of an asset management plan.</p>	Progress in developing and implementing the strategy will be discussed at semi-annual conference calls or meetings.	
<b>w. NYC Marine Debris Baseline Study</b> (Venetia Lannon)(Maureen Krudner)	The scope of this study, using \$35,000 in discretionary funding (\$25,00 in 106 funds and \$10,000 in 319 funds), is to: 1) quantify the costs to communities of handling/preventing trash in waterways; 2) summarize available data on trash loads in study area waterways and beaches; and 3) describe the impacts of trash to marine life.	<p>Progress through 9/30/15 reported on 10/31/15 and progress through 3/31/16 reported on 4/30/16.</p> <p>The Baseline Study is due September 30, 2015.</p>	

Component #2 of 5 Water Quality Assessment and Reporting [CWA §305(b)]			
Components	Narrative	Indicator	FY 15 Performance Activity Measures
<p><b>Section 305(b) of the Clean Water Act requires each state to assess and report biennially during even numbered years, on the ability of all waters of the state to support the goals of the Act. The CWA ' 305(b) process is the principal means by which EPA, Congress and the public evaluate whether the U.S. waters meet water quality standards, the progress made in maintaining and restoring water quality and the extent of remaining problems. In accordance with ' 303(d) of the Clean Water Act, every two years each state must identify specific waters that do not fully support uses and submit this list to EPA for approval. The Integrated 305(b)/303(d) Report includes both information required under Sections 303(d) and 305(b).</b></p>			
<p><b>a. CWA §305(b) Submittal and 303(d)List (Integrated Reporting)</b> (Jeff Myers) (Dana Flint)</p>	<p>DEC will submit to EPA a proposed final 2016 Section 303(d) list by April 1, 2016.</p> <p>DEC will forward to EPA an electronic submittal (spreadsheet format) of the annual 305(b) water quality assessment data update each year. The 2015 electronic update will be submitted by May 1, 2015.</p> <p>Dependent on EPA's timely review and approval of the 2016 proposed final 303(d) List, DEC will submit the final 2016 305(b)/303(d) Integrated Report and electronic submittal to EPA during the 2016/17 work plan period, anticipated by June 1, 2016. Both 305(b)/303(d) Integrated Report updates will be accompanied by appropriate</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16</p> <p>The 2014 305(b)/303(d) Integrated Report and electronic update/submittals for 2012 and 2013 are scheduled to be submitted during this work plan period.</p> <p>The updated Consolidated Assessment and Listing Methodology is scheduled to be complete by September 30, 2014.</p>	<p>WQ-7</p> <p>NY's Draft Commitment = 1</p>

Component #2 of 5 Water Quality Assessment and Reporting [CWA §305(b)]			
Components	Narrative	Indicator	FY 15 Performance Activity Measures
	<p>revisions to the DEC Section 305(b) Report webpage.</p> <p>DEC has initiated a review of its Consolidated Assessment and Listing Methodology and expects to complete the update of both the Assessment Methodology and the Listing Methodology in time for use in the 2016 Section 303(d) Listing cycle.</p>		
<b>b. Ambient Monitoring</b> (Margaret Novak)(Randy Braun/Darvene Adams)	<p>DEC implements a biological (macroinvertebrate and toxicity testing), physical (habitat), and chemical (water and sediment) monitoring program which on a 5-year rotating schedule encompasses the entire State of New York. The monitoring information is used to update the Waterbody Inventory/Priority Waterbodies List and to produce the biennial 305(b)/303(d) Integrated List/Report. The monitoring program is flexible and is modified as needed to reflect resources and priorities. Monitoring data are available electronically. While maintaining statewide coverage via the rotating basins approach, several waterbodies, for which regional issues exist, are targeted for monitoring.</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16</p>	WQ-5

<b>Component #2 of 5 Water Quality Assessment and Reporting [CWA §305(b)]</b>			
<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 15 Performance Activity Measures</b>
<b>c. Long-Term Monitoring Strategy</b> (Margaret Novak) (Randy Braun/Darvene Adams)	DEC will report progress on projects funded with supplemental 106 funds, including any issues that may hinder project implementation or completion.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.	WQ-5
<b>d. National Aquatic Resource Survey (NARS Participation)</b> (Margaret Novak)(Darvene Adams)	DEC will participate in planning and implementation (either actively or through request for EPA in-kind services) of NARS surveys. The field portion of the Coastal Assessment will be conducted in 2015 through EPA in-kind services; planning for the 2016 portion of the Wetlands Condition Assessment will be conducted in 2015.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.	
<b>e. Quality Assurance</b> (Jason Fagel) (Kathryn Drisco)	In order to assure that all data generated under this Agreement will be of known documented quality, DEC will maintain a quality assurance management program which will ensure that quality assurance project plans shall be developed and implemented for each special study and long-range monitoring program conducted by the Division, in cooperation with the Division, or for the Division. As per EPA QA Requirements, NYSDEC will submit an annual Quality Assurance (QA) work plan for by April 1, 2015. The Division's Quality Management	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.	

<b>Component #2 of 5 Water Quality Assessment and Reporting [CWA §305(b)]</b>			
<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 15 Performance Activity Measures</b>
	Plan (QMP) was updated and approved in the 2014 program year for the period 2014-2019. Changes to the Division's QA program that would warrant update or amendment to the QMP are not anticipated in 2015.		
<b>f. Expanded Citizen Water Quality Monitoring Project</b> (Margaret Novak)( Erwin Smieszek)	DEC implements programs to train citizens and uses citizen-collected samples and data to supplement DEC's professional monitoring programs in rivers, streams and lakes. Results obtained from the Citizens Statewide Lake Assessment Program (CSLAP) and Water Assessments by Volunteer Evaluators (WAVE) are used in 305(b) assessments and as screening tools to target locations for follow-up investigation by professional staff, as well as addressing local concerns.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.	

**Component #3 of 5 Groundwater**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 15 Performance Activity Measures</b>
<p><b>Groundwater management and planning are not required by one specific regulatory program, although the assessment of the State's surface and groundwater resources is discussed under Section 305(b) of the Clean Water Act. Instead, groundwater is impacted and interacts with numerous regulatory programs, such as the State Superfund, RCRA, CWA and the Safe Drinking Water Act. Comprehensive groundwater management and planning is necessary to coordinate between programs to ensure that overall resource quality is assessed, maintained and remediated by efficient use of available resources. The approximate number of wells to be sampled in each basin will be specified and the QAPP referenced.</b></p>			
<b>a.</b> (Dan Kendall) (Steve Gould):	DEC will continue to implement the water well drillers registration/reporting program.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16	
<b>b.</b> ( Jennifer Pilewski) (Steve Gould):	DEC will provide EPA with a list of all newly permitted public water supply wells in Nassau and Suffolk counties. The list will identify municipality names.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16.	
<b>c.</b> (Jim Garry)(Steve Gould):	DEC will continue with USGS the cooperative groundwater mapping project to identify and assess groundwater resources in selected Principal Aquifers within New York.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16	



**Component #3 of 5 Groundwater**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 15 Performance Activity Measures</b>
<b>d.</b> (Jim Garry) (Steve Gould)	DEC will provide technical reviews of water withdrawal permit applications. This activity will include the review of proposed pumping test protocol, the evaluation of pumping test data and the evaluation of groundwater withdrawal issues. DEC will provide EPA a list of water withdrawal applicants (with locations) that have received geotechnical assistance and a list of water withdrawal projects for which hydrogeologic investigations and pumping tests have been reviewed.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16	

**Component #4 of 5 Watershed Planning and Implementation**

<b>Components</b>	<b>Narrative</b>	<b>Indicator</b>	<b>FY 15 Performance Activity Measures</b>
<b>a. Onondaga Lake</b> (Dan Hayes)(Christopher Dere)	DEC will continue oversight of the implementation of the project on the Identification of the Primary Sources of Bacteria Loading in Selected Tributaries of Onondaga Lake.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16	
<b>b. Microbial Trackdown Study Program for the Tributaries of Onondaga Lake</b> (Dan Hayes)(Christopher Dere)	DEC will continue oversight of the implementation of the project on the Identification of the Primary Sources of Bacteria Loading in Selected Tributaries of Onondaga Lake. DEC will use 319(h) discretionary funds in the amount of \$110,095 for this project.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16  As per the attached proposal, Phase III to be completed by the Fall of 2017. (See Attachment 1)	
<b>c. Pollutant Reduction Strategy for the Upper Onondaga Creek Watershed</b> (Dan Hayes)(Christopher Dere)	DEC will oversee the project Pollutant Reduction Strategy and Implementation for the Upper Onondaga Creek Watershed (Attachment 1) which includes: (1) A synthesis of existing data; (2) convening of a technical advisory panel, and (3) development of a detailed work plan for the comprehensive strategy. (319(h) discretionary funds for \$75,000) (see proposal attached)	As per the attached proposal, Phase I to be completed by April 2016; With receipt of EPA funds, Phase II to be completed by Fall of 2017. (See Attachment 2)	
<b>d. Chesapeake Bay Program</b> (Angus Eaton/Jackie Lendrum) (Ruth Izraeli)	DEC will work with the Chesapeake Bay Program, the Upper Susquehanna Coalition, USEPA Region 2 and local stakeholder groups to implement New York's WIP.	Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16	

**Component #4 of 5 Watershed Planning and Implementation**

Components	Narrative	Indicator	FY 15 Performance Activity Measures
	<p>NYSDEC will work with Region 2 to consider special conditions for the Bay in the new MS4 permit.</p> <p>NYSDEC will submit to EPA a revised QA/QC plan including a verification program by June 30, 2015.</p>		
<p><b>e. LISS Management Conference</b> (Ken Kosinski/Lorraine Holdridge) (Mark Tedesco)</p>	<p>DEC is committed to participating on the LISS, with a focus on actions to implement and evaluate the nitrogen TMDL and developing a tool to track progress in attaining the load allocation.</p> <p>For LIS TMDL, participate in five-state LIS TMDL enhanced implementation work group and support work group technical activities, such as evaluation of baseline nitrogen loads, development of options and costs for additional nitrogen reduction, and a multi-year enhanced implementation plan.</p> <p>DEC will assess groundwater loads to LIS.</p> <p>Implement the enhanced implementation plan.</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16</p>	<p>SP-41</p>

**Component #5 of 5 Nonpoint Source (NPS) Management Program**

Components	Narrative	Indicator	FY 15 Performance Activity Measures
<b>DEC will use the State's upgraded NPS Management Program Plan, which incorporates the nine (9) Key Elements of an effective NPS Program as prescribed by ASIWPCA and EPA, to help achieve reduction or elimination of impairments to waters of the State from polluted runoff. Implementation activities will focus on achievement of short and long-term goals established for the NPS program and will be consistent with EPA's 11/8/12 Draft NPS Program and Grants Guidelines.</b>			
<b>a. (Don Tuxill)(Sheri Jewhurst)</b>	<p>DEC will implement nonpoint source management activities to help protect or achieve reduction or elimination of impairments to waters of the state from polluted runoff or groundwater recharge. Implementation activities will emphasize agricultural and non-agricultural nonpoint source focus areas as identified in the current NY Nonpoint Source Management Program.</p> <p>For this PPG grant, state and local funding in an amount equivalent to the state's FFY14 Section 319 allotment will implement restoration and protection based watershed projects aligned with watershed-based plans and/or the priorities described in the current NY Nonpoint Source Management Program (including the EPF-funded Ag-NPS Projects and Non-Ag NPS Water Quality Improvement Projects, and CWSRF NPS projects). DEC will incorporate the revised priority pollutants and focus areas</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16</p>	

**Component #5 of 5 Nonpoint Source (NPS) Management Program**

Components	Narrative	Indicator	FY 15 Performance Activity Measures
	identified in the EPA approved NY Nonpoint Source Management Plan and New York Vision document. DEC will maintain the NYS Nonpoint Source Coordinating Committee, including targeted coordination with principal NPS partner agencies and related state and federal committees (NRCS State Committee and State Soil and Water Conservation Committee).		
b.(Don Tuxill) (Sheri Jewhurst)	(a) DEC will report progress implementing the Nonpoint Source Program through two primary mechanisms: (1) an annual report summarizing the achievements of activities in the Division's non-point source control program and appropriate information per EPA's National Program Activity Measures (PAMs) and (2) DEC will maintain the Grants Reporting and Tracking System (GRTS) for agricultural and non-agricultural nonpoint source projects; in an amount at least equivalent to NYSDEC's FFY 15 319 base allocation; including load reduction data for sediment, nitrogen, and phosphorus. Eligible NPS activities will also be accounted for in multiple GRTS data entries corresponding to the components of this workplan. EPA and DEC	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16</p> <p>(a) Continuous updating of GRTS.</p> <p>NPS Load Reduction data will be entered into GRTS for 2014 by the national deadline of February 15, 2015.</p> <p>Annual Report in accordance with new Nonpoint Source Program, March 2015</p> <p>(b) Development of targets and identification of candidate waters by 9/1/15. By March 31, 2016 DEC will develop one to two (1-2) WQ10 success stories.</p>	

**Component #5 of 5 Nonpoint Source (NPS) Management Program**

Components	Narrative	Indicator	FY 15 Performance Activity Measures
	<p>will work to promote DEC attendance at national NPS program and GRTS meetings.</p> <p>(b) DEC and EPA will collaborate to develop annual targets for WQ-10 (primarily NPS impaired waters partially or fully restored).</p> <p>(c) DEC will work with EPA to develop a process to achieve NPS success in a sustainable manner.</p>	<p>(c) DEC will provide progress report on the development of this process in the semi-annual GROG report.</p>	
<p><b>c. Phase I - Education Outreach on Nutrient Laws for Lawn Care, focusing especially on Long Island's Nitrogen Concerns</b> (Don Tuxill)(Christopher Dere)</p>	<p>DEC will provide a mailing to all vendors and lawn care businesses throughout all NYS (excluding Nassau and Suffolk Counties) regarding Phosphorus. A similar mailing will be provided to Nassau and Suffolk Counties, focusing on Nitrogen. In addition, DEC will provide/ coordinate with outreach providers and/or local government(s) to provide training on fertilizer minimization on Long Island. DEC will use 106 funds in the amount of \$50,000 for this project. DEC will use \$50,600 of 106 funds for Phase II of the project.</p>	<p>Progress Through 9/30/15 Reported on 10/31/15 and Progress Through 3/31/16 and Reported on 4/30/16</p> <p>As per the attached proposal, Phase 1 will be completed by September 2015. (See Attachment 3) Phase II activities will begin in October, 2015. Mailings under Phase II will be completed by April 30, 2016. All activities under Phase II of the outreach campaign will be completed by December 31, 2016 (See Attachment 4).</p>	

**ATTACHMENT 1**  
**Phase 3 of the Microbial Trackdown Study Program**  
**for the Tributaries of Onondaga Lake**

Dry weather discharges from Combined Sewer Overflows (CSOs) and other unpermitted outfalls with moderate to high fecal coliform bacteria have been a regular occurrence in Onondaga Creek, Harbor Brook and Ley Creek causing a significant health concern.

In 2009, funds from Onondaga County and the USEPA were awarded to the Onondaga Environmental Institute (OEI) to implement the Microbial Trackdown Program. The goals were to: (1) identify urban and rural sources, (2) measure seasonal and spatial variability, (3) differentiate human and animal bacteria, and (4) investigate and eliminate point source and non-point source releases such as those originating from pipes, agricultural runoff, and septic systems during dry weather conditions. The long term programmatic goal of the program is to achieve compliance of the NYS ambient water quality standard for fecal coliforms in the tributaries of Onondaga Lake and to remove these bodies of water from the impaired list under Section 303(d) of the CWA

The Microbial Trackdown Working Group (MTWG) was subsequently established to provide technical guidance and project oversight, and the members are OEI, Onondaga County Department of Water Environment Protection (OCDWEP), NYS Department of Environmental Conservation (NYSDEC), City of Syracuse Department of Public Works (DPW), Atlantic States Legal Foundation (ASLF), USEPA and the Onondaga Nation.

Conclusions from Phase 1 portion of the Microbial Trackdown Program were: (1) dry-weather discharges had a noticeable effect on creek bacterial levels, (2) bacteria levels generally increased in the urban reaches of Harbor Brook and Onondaga Creek, and (3) there were point-source discharges identified as severely problematic and warranted further investigation.

Implementation of the Phase 2 portion of the Microbial Trackdown Program has resulted in over a dozen remedial corrections being made in the Onondaga Creek, Harbor Brook, and Ley Creek sewers. Identified sources of bacteria have included collapsed pipes, cross connections, and illicit discharges and connections between sanitary and storm water sewers. Municipal corrective actions have included sewer separations, pipe repairs, replacements, removals, and disconnects, along with various construction requirements imposed on property owners. For example, one point source originates at a large multi-tenant building in the downtown area; the owner currently has a Consent Order to repair the problem. However, work still needs to be done to further investigate a few remaining problematic point sources of bacterial concern identified by the workgroup as needing corrective action.

OEI is working with Onondaga County and the City of Syracuse to schedule further source attribution investigation at the few remaining identified problematic point sources to include dye testing, TV scoping, verification that CSOs are not discharging during dry weather and possible legal action for noncompliance, if warranted.

### **Attachment 1 (continued)**

To achieve compliance with NYS ambient water quality standard for fecal coliforms in the tributaries of Onondaga Lake and to remove these bodies of water from the impaired waterbodies list under Section 303(d) of the CWA, the remaining problematic dry-weather bacterial discharges at multiple locations in Harbor Brook and Onondaga Creek must be addressed. To meet this goal, Phase 3 will continue the monitoring to track down the remaining sources of problematic discharges, implement corrective actions where needed and verify the efficacy of the corrective actions already implemented.

Phase 3 can be completed by the fall of 2017. The cost for Phase 3 is **\$70,000**.



**Attachment 1 (continued)**  
**Supplement to the**  
**Phase 3 of the Microbial Trackdown Study Program for the Tributaries of Onondaga Lake**

**Problem Statement:** The Microbial Trackdown Studies have identified numerous point sources to be discharging problematic levels of bacteria in the tributaries to Onondaga Lake during dry weather. Despite corrections to numerous discharges, water quality issues persist in all of the tributaries, and preliminary results suggest that conditions have worsened in some areas. Results from the Microbial Trackdown Studies and other studies have also identified water quality issues caused by non-point pollution, such as agricultural runoff, sedimentation, urbanization and increased impervious surfaces. Collectively, these issues have led to the tributaries to Onondaga Lake being listed on the NYS 303(d) Impaired Waterbodies List for multiple impairments, and fecal coliform levels are routinely out of compliance with NYS ambient water quality standards. The aesthetic, recreational, and biological qualities of the tributaries are known to be stressed or impaired as a result.

Neighboring communities and the Onondaga Nation have expressed considerable interest in monitoring the ecological integrity of these tributaries, identifying the major sources of ecological degradation, and developing and implementing strategies to mitigate the problems. Biological indicators (i.e., fish and aquatic macroinvertebrates) serve as relatively inexpensive tool for assessing the short and long-term effects of non-point source pollution. The information from such studies can also be used to assess the economic, aesthetic, and recreational effects of non-point source pollution. This study proposes to identify the major sources of non-point source impairment in the tributaries to Onondaga Lake and the effects on aquatic biota, in an attempt to enhance and maximize the efforts being performed under the on-going Phase 2 and upcoming Phase 3 Microbial Trackdown Studies.

**Objective:** Perform routine biological sampling in Harbor Brook, Ley Creek, and Onondaga Creek during the 2015 and 2016 sample seasons (May – October).

**Work Elements & Associated Costs:**

1. **Macroinvertebrate and fish community analysis & impact source determination:** sample and identify the macroinvertebrate and fish communities at select locations in Harbor Brook, Ley Creek, and Onondaga Creek to identify the major sources of impairment affecting biological condition and ecological integrity.
2. **Bacteroides Analysis:** analyze a subset of water quality samples collected during Phase 3 bacteria sampling for *Bacteroides*, a genus of bacteria that can be used to differentiate between human and animal sources of bacteria. This information will be helpful in developing strategies for prioritizing and remediating bacterial sources.

**Total Costs: \$40,095** – includes all field efforts, laboratory analyses, data analysis and interpretation, and reporting. This Phase 3 Supplement can be completed by the fall of 2017. The cost for the Phase 3 supplement is **\$40,095**.

Phase 3 and Phase 3 Supplement can be completed by the fall of 2017. The cost for the Phase 3 and Phase 3 Supplement is **\$110,095**.

## **Attachment 2**

### **Pollutant Reduction Strategy and Implementation for the Upper Onondaga Creek Watershed**

Comprehensive watershed management strategy is needed to address the water quality impairments in the Upper Onondaga Creek watershed, including defining the water quality goals in terms of NY State Water Quality Standards and other considerations, especially those of the Onondaga Nation, and identifying the most cost-effective solutions for restoring the creek. This proposal would fund the first phase of the strategy with an option for the second phase. Phase I includes: (1) A synthesis of existing data; (2) convening of a technical advisory panel; (3) development of a detailed workplan for the comprehensive strategy. Phase II includes: (1) Development of the comprehensive strategy as an adaptive management plan, including engineering feasibility and design for priority project(s); and (2) implementation of pilot priority restoration project(s). The culmination of efforts would be the removal of the Upper Onondaga Creek portion from the Section 303(d) list of impaired waterbodies.

The Strategy will build on the conclusions and recommendations contained in the Onondaga Creek Revitalization Plan which was agreed upon by the Onondaga Nation in consultation with local private landowners, municipalities and other stakeholders. The plan was funded and supported by the Onondaga Lake Partnership. The Strategy will also build upon extensive data collection efforts recently conducted in the watershed by the OLP.

The Strategy would characterize the water quality threats in the watershed by analyzing the existing data and determining the BMPs needed to address water quality impairments and restore designated uses in and around the watershed of the Upper Onondaga Creek including the Onondaga Nation territories. Some of the water quality concerns that have been identified are: damming, channelization, sedimentation including the Tully Valley Mudboils, temperature increase, nutrient enrichment, habitat and native species loss, invasive species; and land use practices throughout the watershed including agriculture, gravel and former solution mining, municipal solid waste disposal, and potential hydraulic fracturing for natural gas. The beneficial uses of the Upper Onondaga Creek include, but are not limited to, recreational, ceremonial, drinking water supply, fish and wildlife habitats and food supply.

A special emphasis will be directed toward addressing excess sediment from entering Onondaga Creek from the mudboil area. This will include a standing technical advisory panel that will evaluate all current and past water quality monitoring data, hydrologic studies of surface and groundwater and Agricultural Environmental Management (AEM) implementation efforts in the Upper Onondaga Creek watershed information and if needed, identify data gaps and potential pilot studies. The results and conclusions reached will help direct the implementation phases for mudboil as well as other non-point source BMP controls. It is expected that at least one pilot project will be suggested in the development of a mudboil control strategy. The cost to implement Phase I of the work is \$75,000.

Phase II will focus on the development of the comprehensive strategy addressing multiple target parameters as diverse as sediment from the mudboils, pathogens, nutrients, and habitat and wildlife expressed as environmental objectives of interest to stakeholder parties (e.g. water quality standards, Onondaga Nation vision). The strategy will focus on moving a list of suggested priority projects through evaluation, feasibility and design phases (restoration project “pipeline”) using principles of adaptive management. Design considerations for the Tully Valley Mudboils will include

## Attachment 2 (continued)

mitigation of sediment impacts as well as control and elimination of mudboil discharges. The work of the technical advisory panel will continue through Phase II. The cost to conduct Phase II is estimated to be \$350,000.

It is important to note that upon completion of Phase II, substantial funding (\$1.25M) is available through a New York State settlement agreement with Honeywell, Inc. to implement additional projects.

Phase I to be completed by April 2016. Phase II to be completed by the fall of 2017.

Costs:

Phase I:	\$ 75,000
Phase II:	<u>\$350,000</u>
Total:	\$425,000

### **Attachment 3**

#### **Outreach Strategy to Reduce Discharges Associated with Fertilizer Use**

An intensive and targeted outreach strategy is needed to attain compliance with the fertilizer provisions of New York's 2010 Dishwasher Detergent and Nutrient Runoff Law (Law) and to address nitrogen impacts in waters of Long Island by supporting Suffolk County's fertilizer law and Nassau County's fertilizer program. This is a proposal to fund the first phase of the outreach strategy.

Excess nutrients in stormwater runoff have become a significant environmental concern throughout New York State. Nassau and Suffolk Counties are finding that nitrogen compounds travel through groundwater and impact both surface waters and the groundwater, itself. An informed public is critical to reducing the phosphorus and nitrogen in the environment.

When the fertilizer provisions of the Law became effective on January 1, 2012, the Division of Water (DOW) conducted an outreach campaign to inform retailers, lawn care professionals and homeowners about the importance of the law, the requirements, and how to comply. Although a few letters were sent to the larger retailers, the previous outreach campaign relied mostly on press releases, web pages, and help from environmental and professional organizations to get the word out. These outreach activities were not sufficient to achieve widespread compliance with the fertilizer provisions of the law.

Although the goals of the first outreach campaign were not fully attained, informing the public about the Law is still an effective mechanism to achieve compliance. Therefore, the DOW will initiate a more comprehensive outreach campaign. Phase I of the campaign will include targeted outreach activities in Suffolk and Nassau Counties to address the nitrogen issue, designed in collaboration with each County. The DOW will work with Nassau and Suffolk on an appropriate outreach program to inform the public. DOW will work with the counties on an appropriate mail program to get the information out to increase compliance with the Law. DOW will also coordinate with the Peconic Estuary Program, the Long Island Sound Study, and the South Shore Estuary Reserve to develop and implement this part of the strategy.

The first phase will also include a mailing to all vendors and lawn care businesses throughout New York State. The mailing will include a letter with clear instructions on how to comply with the Law and signs to post near the fertilizers on store shelves. Future phases of the outreach campaign may include other more intensive outreach activities. Below is an overview of Phase I of the outreach campaign:

#### **Purpose:**

To remind target audiences of the existence of the Law and what their responsibilities are under it (focus on fertilizer) and to provide these audiences with information and resources they can use so that they will comply with the law and/or assist and encourage others to do so. To reduce the impacts of excessive nitrogen in the environment on Long Island.

### Attachment 3 (continued)

#### Audiences:

For nitrogen in Suffolk and Nassau Counties

- Small retailers
- Lawn care specialists
- “Big box stores” that sell fertilizer
- Communicators as appropriate (i.e., NYS Association of Regional Planning Councils, NYS Soil and Water Conservation Districts, etc.)

For phosphorus:

- Small retailers
- Lawn care specialists
- “Big box stores” that sell fertilizer Communicators as appropriate (i.e., NYS Association of Regional Planning Councils, NYS Soil and Water Conservation Districts, etc.)

#### Messages:

##### *To Audience*

- This is the Law, its requirements
- Here are some resources to help you comply (including the sign to post)
- Why the Law is necessary
- These are the impacts of nitrogen in the environment
- Here are some resources for you to reduce the nitrogen in the environment

##### *From Audience*

- Compliance
- Share information with others
- Change of behavior for protection of the environment

### **Attachment 3 (continued)**

#### **Budget:**

Targeted outreach in Suffolk and Nassau Counties to decrease nitrogen in runoff:

Approximately \$30,000

Mailing to increase compliance with the Law:

Approximately \$20,000

For a total of:       **\$50,000**

#### **Schedule:**

Phase I activities will begin as soon as funding is available. Mailings under Phase I will be completed by March 31, 2015. All activities under Phase I of the outreach campaign will be completed by September 30, 2015.

## Attachment 4



### **Outreach Strategy to Reduce Discharges Associated with Fertilizer Use Phase II Workplan 2015 - 2016**

An intensive and targeted outreach strategy is needed to attain compliance with the fertilizer provisions of New York's 2010 Dishwasher Detergent and Nutrient Runoff Law (Law) and to address nitrogen impacts in waters of Long Island. Excess nutrients in stormwater runoff have become a significant environmental concern throughout New York State. Nassau and Suffolk Counties are finding that nitrogen compounds travel through groundwater and impact both surface waters and the groundwater, itself. An informed public is critical to reducing the phosphorus and nitrogen in the environment.

The New York State Department of Environmental Conservation (DEC) is currently implementing the first phase of an intensive outreach strategy, which includes:

1. A mailing to all vendors and lawn care businesses throughout New York State. The mailing was sent in May, 2015. All retailers of lawn fertilizers received two educational signs to post near the fertilizers on store shelves.
2. Targeted outreach activities toward reducing nitrogen on Long Island. Cornell Cooperative Extension of Suffolk County's outreach includes: creating and posting 6 bi-weekly web episodes; creating and airing radio and TV public service announcements; and developing and maintaining a Facebook page.

A second phase of this outreach strategy to increase compliance will include: the production and presentation of a YouTube video; training for landscapers and other appropriate professional audiences; printing and mailing another set of signs to retailers of lawn fertilizer; and printing and distributing a colored brochure that was created in 2015.

#### **Purpose:**

To remind target audiences of the existence of the Law and what their responsibilities are under it (focus on fertilizer) and to provide these audiences with information and resources they can use so that they will comply with the law and/or assist and encourage others to do so. To reduce the impacts of excessive nitrogen in the environment on Long Island.

## Attachment 4 (continued)

### Audiences:

For nitrogen in Suffolk and Nassau Counties

- Small retailers
- “Big box stores” that sell fertilizer
- Lawn care specialists
- Communicators as appropriate (i.e., Cornell Cooperative Extension, NYS Soil and Water Conservation Districts, etc.)

For phosphorus statewide:

- Small retailers
- “Big box stores” that sell fertilizer
- Residents
- Lawn care specialists
- Communicators as appropriate (i.e., NYS Association of Regional Planning Councils, NYS Soil and Water Conservation Districts, etc.)

### Messages:

*To Audience*

- This is the Law, its requirements
- Here are some resources to help you comply (including the sign to post)
- Why the Law is necessary
- These are the impacts of nitrogen in the environment
- Here are some resources for you to reduce the nitrogen in the environment

*From Audience*

- Compliance
- Share information with others
- Change of behavior for protection of the environment



#### Attachment 4 (continued)

##### Budget:

Budget Amount	Task
\$20,000	Producing and presenting a YouTube video.
\$20,000	Training
\$20,000	Printing and mailing signs (amt. based on printing and mailing to retailers in 2015)
\$2,000	Printing and distributing a color brochure
<b>\$65,000</b>	<b>Total</b>

Note that the estimated costs (\$62,000), exceed the available funding from under the PPG (\$50,600). Unless costs are less than anticipated, DEC will seek to make up the difference through an alternative funding source.

##### Schedule:

Phase II activities will begin in October, 2015. Mailings under Phase II will be completed by April 30, 2016. All activities under Phase II of the outreach campaign will be completed by December 31, 2016.